



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, SEPTEMBER 22, 2004

10:00 a.m.
City Council Chambers
Room 205
City Hall

801 North First Street
San Jose, California

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Plan Implementation Division
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP
Director Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE), 998-5299 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **September 22, 2004**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Joe Babiasz (joe.babiasz@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a) **HA78-031-01. Site Development Permit Amendment** to remove two Melaleuca trees, 60 & 107 inches in circumference and 12 non-ordinance size trees of various species and sizes on a 1.94 gross acre site in the R-M Multiple Residence Zoning District, located on the north side of Los Gatos-Almaden Road, approximately 350 feet westerly of Union Avenue (2031 LOS GATOS-ALMADEN RD) (Ross Creek Village HOA, Applicant). Council District 9. CEQA: Exempt.

The consent calendar is now closed.

3. PUBLIC HEARING

- a) **PDA91-006-69. Planned Development Permit Amendment** to construct one single-family residence approximately 4,629 square feet in size on a 0.54 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of Glen View Drive, approximately 250 feet southerly of Hollow Lake Way (John Falcocchia, Owner). Council District 10. SNI: None. CEQA: Exempt. Deferred from 8/18/04 and 9/8/04.

- b) **TR04-086. Tree Removal Permit** to allow removal of one Palm tree (115 inches in circumference) on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1246 MAGNOLIA AV (Yee, Wanda and Wong, Alton, Owner). Council District 6. CEQA: Exempt. Defer from 9/15/04.
- c) **SP04-025 & V04-004. Special Use Permit And Variance Exception Permit** to allow a nine-car garage accessory structure containing approximately 2,000 square feet on a 1.47 gross acre site, and Development Variance to allow the accessory structure height to exceed 16 feet in the R-1-8 Single-Family Residence Zoning District, located at the south side of Margaret Street approximately 240 feet easterly of South 15th Street. Council District 3. SNI: University. CEQA: Exempt. Deferred from 9/8/04. Defer from 9/15/04.
- d) **HP03-004. Historic Preservation Permit** to allow the rehabilitation of the Crydenwise building (27 Fountain Alley, City Landmark No. HL92-64) as part of a 27,955 square foot office/retail project involving five other buildings, in the DC Downtown Commercial Zoning District, located on the north side of Fountain Alley approximately 120 feet easterly of South Second Street (Kotansky Properties, owner). Council District: 3. SNI: None. CEQA: Mixed-Use Project, Century Center Expansion EIR and Addendum thereto, Resolution No. 71039. Deferred from 9/8/04 and 9/15/04.
- e) **SP04-037. Special Use Permit** for conversion of a single-family residence to a non residential use, in this case a public eating establishment, on a 0.11 gross acre site in the Commercial Pedestrian (CP) Zoning District located at/on the east side of North 13th Street approximately 390 feet northwesterly of Jackson Street (640 N. 13TH ST.) (Mariam Danys, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.
- f) **HA82-066-01. Site Development Permit Amendment** to construct 366 square foot rear addition and allow landscape improvements to an existing commercial use on a 0.20 gross acre site in the CP Pedestrian Commercial Zoning District, located at/on the west side of Lincoln Avenue, approximately 100 feet northerly of Garfield Avenue (1055 LINCOLN AV) (Sackett Harvey P Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.
- g) **SP04-020. Special Use Permit** to legalize, unpermitted construction of arbors, retaining walls, and other accessory structures on a 0.26 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the east terminus of Red Holly Court (7163 RED HOLLY CT) (Victor A. Pshevlozky and Dawn Mazur Trustee, Owners). Council District 10. SNI: None. CEQA: Exempt.

- h) The projects being considered are located on the north side of Emory Street, approximately 150 feet easterly of Dana Avenue (1585 Emory Street), in the R-1-8 Single-Family Residence Zoning District (Janke Edward J And Leslie A B Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.
1. **SP04-043. Special Use Permit** for a reduction in required covered off-street parking spaces to allow modification to an existing two-car detached garage resulting in a 264-square-foot one-car garage at an existing single-family detached residence on a 0.12 gross acre site.
 2. **V04-009. Development Variance Permit** to allow a parking reduction where the existing driveway is less than 10 feet in width.

This concludes the Planning Director's Hearing for September 22, 2004. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/index.htm>

PUBLIC INFORMATION COUNTER

(408) 277-4576 CITY OF SAN JOSE

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
PLANNING DIRECTOR'S HEARING**

Synopsis of Staff Recommendations

September 15, 2004

PUBLIC HEARINGS

1. DEFERRALS

- | | | |
|----|--------------------|----------------------|
| a. | V04-009 | Deferred to 9/22/04 |
| b. | PT03-096 | Deferred to 9/29/04 |
| c. | TR04-086 | Deferred to 9/22/04 |
| d. | PD04-044 | Deferred to 9/29/04 |
| e. | SP04-025 & V04-004 | Deferred to 9/22/04 |
| f. | PD04-059 | Deferred to 10/20/04 |

2. CONSENT CALENDAR

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| a. | TR04-072 | Approved |
| b. | TR04-082 | Approved |
| c. | TR04-090 | Approved |
| d. | H03-045 | Approved |
| e. | PD03-061 | Approved |
| f. | PDA02-035-01 | Approved |
| g. | H02-023 | Denied |
| h. | HA00-088-01 | Approved |

3. PUBLIC HEARINGS

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| a. | HP03-004 | Deferred to 9/22/04 |
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